

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA
3 (1) ROBERT BALES and)
4 (2) DANIELLE BALES,)
5 Plaintiffs,)
6 -vs-) No. 22-CV-00851
7 (1) STATE FARM FIRE and)
8 CASUALTY COMPANY,)
9 Defendant.)

10
11 DEPOSITION OF JAMES RYAN PHILLIPS
12
13 TAKEN ON BEHALF OF THE PLAINTIFFS
14
15 IN TULSA, OKLAHOMA
16 ON JULY 14, 2023
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25 REPORTED BY: KASEY D. EGELSTON, CSR

<p style="text-align: right;">Page 14</p> <p>1 Q What did you do for State Farm right out of 2 college? 3 A I was a claims adjuster. 4 Q What kind of claims were you adjusting at 5 that time? 6 A Initially, I was handling casualty claims, 7 along with first-party commercial claims. 8 Q And that -- you would have started that job 9 with State Farm in about 2008 or, I guess, 2006? 10 A I'm trying to think. Yes. Approximately 11 2006. May of 2006. 12 Q And how did you come to start working for 13 State Farm? 14 A They were present at a job fair at Oklahoma 15 State University in Tulsa and actually provided the 16 best salary out of the other options I had. 17 Q Okay. After you -- since you started 18 working for State Farm in about 2006, or so, have 19 you worked for any other companies? 20 A I have not. 21 Q You've been with State Farm the entire time 22 since after you graduated from college? 23 A Yes, sir. 24 Q Have you been a claims adjuster that entire 25 time?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Okay. And what did you do for them? 2 A General laborer. 3 Q Okay. What kind of construction did those 4 two companies do? 5 A I believe Norris Construction was a general 6 contractor. 7 Q Okay. 8 A And Burggraf is a mitigation company, water 9 mitigation from fire. 10 Q Did you ever work on a roof? 11 A I did not. 12 Q Put on a roof? 13 A I never have, no. 14 Q Installed a roof? 15 A I have not. 16 Q Repair a roof? 17 A I have not. 18 Q About how long did you work for -- about 19 how long did you work in construction, like a labor 20 hand. Is it fair to say -- 21 A Yes. 22 Q -- you were a labor hand for these 23 construction companies? 24 A Yes. 25 Q About how long did you do that?</p>
<p style="text-align: right;">Page 15</p> <p>1 A Yes, sir. 2 Q Ever held any kind of managerial position 3 or anything like that? 4 A I have not. 5 Q Have you -- excuse me. Have you adjusted 6 casualty claims or first-party commercial claims the 7 entire time you've worked for State Farm? 8 A I have not. 9 Q What other types of claims have you 10 adjusted? 11 A I do not currently handle casualty claims, 12 so I just handled the casualty for approximately 13 four or five years at that time, but the remaining 14 time I've handled first-party claims. 15 Q Ever adjust motor vehicle claims? 16 A Never worked on autos. 17 Q Personal injuries, anything like that, 18 liability claims? 19 A On the auto side, I have not. 20 Q Do you have any construction experience? 21 Ever work in construction? 22 A I did in high school. 23 Q Okay. 24 A For Burggraf Restoration and also for 25 Norris Construction.</p>	<p style="text-align: right;">Page 17</p> <p>1 A About two or three summers. 2 Q Okay. So you worked in the summers in high 3 school? 4 A Yes. 5 Q Go back to school and work the next summer? 6 A Yes. 7 Q About three summers or so? 8 A That's correct. 9 Q When did you first get your adjuster's 10 license? 11 A When I was first hired by State Farm. 12 Q So 2006, approximately? 13 A Yes, sir. 14 Q Do you hold an active adjuster's license in 15 Oklahoma? 16 A I do. 17 Q Do you hold an active adjuster's license in 18 any other states? 19 A Yes, I do. 20 Q Which other states? 21 A I believe Florida, North Carolina, South 22 Carolina and I want to say Louisiana. 23 Q Have you adjusted claims for State Farm in 24 Florida, North Carolina, South Carolina and 25 Louisiana?</p>

<p style="text-align: right;">Page 34</p> <p>1 Q What about speeds of wind?</p> <p>2 A Yes.</p> <p>3 Q Like what speed of wind it might take to</p> <p>4 cause damage to a composition shingled roof?</p> <p>5 A Yes.</p> <p>6 Q Did you also receive training on how to</p> <p>7 identify damage on roofs not caused by a storm?</p> <p>8 A Yes.</p> <p>9 Q Okay. So training on how to identify</p> <p>10 blisters?</p> <p>11 A Correct.</p> <p>12 Q What's a blister on a shingle? On a</p> <p>13 composition shingle?</p> <p>14 A A blister is typically caused by excess</p> <p>15 heat in the attic and the blister typically will</p> <p>16 expand and pop from the bottom outward and there</p> <p>17 should be a pit where there's fibers showing in the</p> <p>18 center of that blister.</p> <p>19 Q There could be -- you described blisters as</p> <p>20 popping open. There could be popped open blisters</p> <p>21 and closed blisters. Fair?</p> <p>22 A Yes.</p> <p>23 Q Not every blister you see is going to be</p> <p>24 popped out yet. Is that true?</p> <p>25 A In my experience, yes, that is correct.</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yes, sir.</p> <p>2 Q In the context of wear and tear damage to a</p> <p>3 roof, what age of a roof would you expect to start</p> <p>4 seeing wear and tear damage?</p> <p>5 MR. BROWN: Object to the form. Go</p> <p>6 ahead.</p> <p>7 THE WITNESS: I don't believe there's</p> <p>8 an exact date that you can put on a roof for that.</p> <p>9 Q (By Mr. Lawson) What about blisters, how</p> <p>10 long might it take for blisters to start showing on</p> <p>11 a roof?</p> <p>12 MR. BROWN: Object to the form. Go</p> <p>13 ahead.</p> <p>14 THE WITNESS: It's the same thing. You</p> <p>15 can't put an exact date or time, but you'll start</p> <p>16 seeing them versus not.</p> <p>17 Q (By Mr. Lawson) I also mentioned granular</p> <p>18 loss. Granular loss can be indicative of wear and</p> <p>19 tear damage. True?</p> <p>20 A Yes.</p> <p>21 Q Granular loss can also occur as a result of</p> <p>22 hail. True?</p> <p>23 A Yes.</p> <p>24 Q If hail hits the shingles, it might knock</p> <p>25 some of the granules off. True?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Have you ever been out -- have you ever</p> <p>2 been on an inspection of a composition shingled roof</p> <p>3 and seen closed blisters --</p> <p>4 A Yes.</p> <p>5 Q -- on shingles? What -- other types of</p> <p>6 non-storm related damage might be wear and tear.</p> <p>7 Fair?</p> <p>8 A Can you repeat that question?</p> <p>9 Q It was a bad question. In your training</p> <p>10 for identifying damage to roofs, other than</p> <p>11 storm-related damages, we talked about blisters, you</p> <p>12 might also have received training on wear and tear</p> <p>13 damage. True?</p> <p>14 A Yes.</p> <p>15 Q Wear and tear can be granular loss?</p> <p>16 A Yes.</p> <p>17 Q Mechanical damage?</p> <p>18 A Yes.</p> <p>19 Q You might encounter shingle defects. True?</p> <p>20 A Yes.</p> <p>21 Q And you're trained on how to identify all</p> <p>22 of these types of damage?</p> <p>23 A I am.</p> <p>24 Q How to distinguish that type of damage</p> <p>25 versus hail or wind?</p>	<p style="text-align: right;">Page 37</p> <p>1 A Yes.</p> <p>2 Q In that situation, that would be covered by</p> <p>3 a policy. True?</p> <p>4 MR. BROWN: Object to the form.</p> <p>5 Q (By Mr. Lawson) If a State Farm policy</p> <p>6 provides coverage to hail damage to a roof, hail</p> <p>7 damage that has caused granular loss would be</p> <p>8 covered under that policy. Fair?</p> <p>9 MR. BROWN: Object to the form.</p> <p>10 THE WITNESS: Granular loss in and of</p> <p>11 itself does not mean that the shingle has been</p> <p>12 damaged.</p> <p>13 Q (By Mr. Lawson) If a shingle is hit by</p> <p>14 hail and granules fall off of a shingle, that would</p> <p>15 be covered under such a policy. Fair?</p> <p>16 MR. BROWN: Object to the form.</p> <p>17 THE WITNESS: Again, granular loss is</p> <p>18 -- granule loss does not mean -- constitute damage</p> <p>19 to a shingle.</p> <p>20 Q (By Mr. Lawson) Okay. Does State Farm</p> <p>21 provide you with physical training materials?</p> <p>22 A I do not have any physical training</p> <p>23 materials currently.</p> <p>24 Q Does State Farm provide you with digital</p> <p>25 training materials?</p>

<p style="text-align: right;">Page 158</p> <p>1 Q Okay. What happens after you get off the</p> <p>2 roof after your second inspection?</p> <p>3 A I believe I did -- we did speak to -- I did</p> <p>4 speak to Meleah. We kind of spoke, kind of what we</p> <p>5 summarized and found. Saying we documented what you</p> <p>6 have circled. I don't believe that's hail damage.</p> <p>7 I do believe she's mentioned, well, I know you guys</p> <p>8 have to have matting breakage for that to be damage,</p> <p>9 but she was saying I believe that granular loss is</p> <p>10 actual damage. So we discuss that as well.</p> <p>11 Unfortunately, just granules off of a shingle</p> <p>12 doesn't constitute damage. And then I said, but we</p> <p>13 will send this to management for further review and</p> <p>14 if there's anything further we can do, we'll get</p> <p>15 back to you.</p> <p>16 Q What do the granules on a shingle do?</p> <p>17 A They provide you UV protection. They also</p> <p>18 act as an assist for accompanying precipitation off</p> <p>19 of a roof, whether it's rain, most recently around</p> <p>20 here was sleet, everyone had granules in their</p> <p>21 downspouts and their property after that sleet storm</p> <p>22 we had. Granules are designed to come off the roof</p> <p>23 to help escort those off of the roof surface. So</p> <p>24 there's about 125% of the granules required on that</p> <p>25 shingle, so when the manufacturer makes that, they</p>	<p style="text-align: right;">Page 160</p> <p>1 THE WITNESS: There is no functional</p> <p>2 damage to the shingle from granular loss.</p> <p>3 Q (By Mr. Lawson) Is there a requirement in</p> <p>4 this policy that damage has to be functional damage?</p> <p>5 MR. BROWN: Object to the form.</p> <p>6 THE WITNESS: The policy covers direct</p> <p>7 physical damage and structural damage. It is our</p> <p>8 assertion that for hail, it has to break the matting</p> <p>9 and compromise the water shedding ability of the</p> <p>10 roof. So granules off the roof doesn't affect the</p> <p>11 water shedding ability, it may affect the longevity</p> <p>12 of the shingle, as with normal wear and tear, but</p> <p>13 for us, hail damage is considered matting breakage.</p> <p>14 Q "Us" being State Farm?</p> <p>15 A Yes, sir. And that's brought upon by the</p> <p>16 studies of Haag Engineering. That's the standard</p> <p>17 for insurance companies as well.</p> <p>18 Q And State Farm provides you with that Haag</p> <p>19 training; correct?</p> <p>20 A Yes, sir. We do that yearly.</p> <p>21 Q Do you know if there's any kind of cosmetic</p> <p>22 exclusion in the Bales' policy?</p> <p>23 MR. BROWN: Object to the form.</p> <p>24 THE WITNESS: I did not see a cosmetic</p> <p>25 exclusion on the policy.</p>
<p style="text-align: right;">Page 159</p> <p>1 put 125% of the granules required, so there's tons</p> <p>2 of granules that come off anyway, but typically,</p> <p>3 that's what they're designed for.</p> <p>4 Q You said that the granules help protect</p> <p>5 against UV rays?</p> <p>6 A Yes.</p> <p>7 Q When granules come off of the shingles,</p> <p>8 does that make the shingle more susceptible to UV</p> <p>9 rays?</p> <p>10 MR. BROWN: Object to the form.</p> <p>11 THE WITNESS: Yes. As with anything,</p> <p>12 the wear and tear of that shingle lowers the life</p> <p>13 expectancy and its ability to keep that roof and</p> <p>14 that attic from getting too hot. So, as the</p> <p>15 shingles lose granules over time due to wear and</p> <p>16 tear, it can definitely cause that, yes.</p> <p>17 Q (By Mr. Lawson) Shingles can also lose</p> <p>18 granules due to hail; correct?</p> <p>19 A Yes. Shingles lost granules because of the</p> <p>20 sleet. And sleet is BB-sized ice pellets. I would</p> <p>21 say yes, hail could also do that too.</p> <p>22 Q So if sleet causes granular loss on</p> <p>23 shingles, that would be a covered cause of loss;</p> <p>24 correct?</p> <p>25 MR. BROWN: Object to the form.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q (By Mr. Lawson) In your training and</p> <p>2 experience as a State Farm adjuster, adjusting roof</p> <p>3 claims, have you ever seen a cosmetic exclusion for</p> <p>4 a composite shingled roof?</p> <p>5 A I don't believe we have a cosmetic</p> <p>6 exclusion for composition shingles. Typically, the</p> <p>7 cosmetic exclusion applies to metal. So if it's</p> <p>8 just a dent, if it has a compromise in that</p> <p>9 material, then it's not damage at that time.</p> <p>10 Q Okay. I'm going to hand you Exhibit Number</p> <p>11 9. It's a big packet. You testified there were</p> <p>12 photos taken during that second inspection; correct?</p> <p>13 (Plaintiffs' Exhibit Number 9 was</p> <p>14 marked for identification purposes</p> <p>15 and made a part of the record.)</p> <p>16 THE WITNESS: Yes, sir.</p> <p>17 Q (By Mr. Lawson) Who took pictures?</p> <p>18 A I did.</p> <p>19 Q Did Mr. Fouda take any pictures?</p> <p>20 A He did not.</p> <p>21 Q Did you take pictures of everything that</p> <p>22 you looked at?</p> <p>23 MR. BROWN: Object to the form.</p> <p>24 THE WITNESS: The best of my knowledge,</p> <p>25 I did, yes.</p>

<p style="text-align: right;">Page 194</p> <p>1 A At their request, we can share a few of the</p> <p>2 photos with them.</p> <p>3 Q If you're confident in your claims</p> <p>4 adjusting, you should have no problem providing</p> <p>5 those photos. Fair?</p> <p>6 MR. BROWN: Object to the form.</p> <p>7 THE WITNESS: Yes. The roof speaks for</p> <p>8 itself, so any photos would just be an extension of</p> <p>9 what the roof shows.</p> <p>10 Q (By Mr. Lawson) Do you know if any photos</p> <p>11 were ever provided to Meleah or the Bales family?</p> <p>12 MR. BROWN: Object to the form.</p> <p>13 THE WITNESS: I can't recall. I don't</p> <p>14 believe so.</p> <p>15 Q (By Mr. Lawson) Do you agree that a</p> <p>16 homeowner shouldn't have to file a lawsuit to</p> <p>17 provide documentation about their insurance claim?</p> <p>18 MR. BROWN: Object to the form.</p> <p>19 THE WITNESS: Documentation provided is</p> <p>20 the information that is pertinent to the claim that</p> <p>21 we provide to all customers, so I believe they</p> <p>22 received all of the information that was required on</p> <p>23 this claim.</p> <p>24 Q (By Mr. Lawson) I'm handing you what's</p> <p>25 marked as Exhibit Number 15. This is a letter dated</p>	<p style="text-align: right;">Page 196</p> <p>1 notations. Those notations were made by the roofer.</p> <p>2 Q Were you present during that inspection?</p> <p>3 A No. The roof inspectors are not to make a</p> <p>4 10-plus or write the number of hits on a roof like</p> <p>5 that. I would have to review, but I don't believe</p> <p>6 that was even the same color of chalk that he was</p> <p>7 using on the roof, I believe.</p> <p>8 Q Regardless, if -- well, Meleah expressed</p> <p>9 concern that Korbin Leach had marked 10-plus hits</p> <p>10 per square and that was different from what was</p> <p>11 reflected in his report; correct?</p> <p>12 MR. BROWN: Object to the form.</p> <p>13 THE WITNESS: Well, at this point we</p> <p>14 had already done a second inspection with her on the</p> <p>15 roof, so it was all a moot point. Because when we</p> <p>16 were on the roof with her, what she documented --</p> <p>17 what she believed was hail damage, was not hail</p> <p>18 damage.</p> <p>19 Q (By Mr. Lawson) It's reasonable for her --</p> <p>20 for a public adjuster to be concerned about</p> <p>21 differences between what a ladder assist says on the</p> <p>22 roof versus what's reflected in his report. Fair?</p> <p>23 MR. BROWN: Object to the form.</p> <p>24 THE WITNESS: Yeah. She believed that</p> <p>25 the inspector wrote the 10-plus on the roof, but</p>
<p style="text-align: right;">Page 195</p> <p>1 March 21st of 2022, sent from Ms. Meadows; correct?</p> <p>2 (Plaintiffs' Exhibit Number 15 was</p> <p>3 marked for identification purposes</p> <p>4 and made a part of the record.)</p> <p>5 THE WITNESS: Yes.</p> <p>6 Q (By Mr. Lawson) Do you recall receiving</p> <p>7 this letter?</p> <p>8 A Yes. I think the in-office adjuster</p> <p>9 received it first and then I did review the letter</p> <p>10 after she saw it.</p> <p>11 Q It looks like the photos were sent to Ms.</p> <p>12 Meadows and she had an opportunity to respond to</p> <p>13 them; correct?</p> <p>14 A I think she received a copy of the initial</p> <p>15 inspection report, yes.</p> <p>16 Q She states in this letter, upon review of</p> <p>17 Mr. Leach's photographs, you can see that he noted</p> <p>18 10-plus hits in the test squares; correct?</p> <p>19 MR. BROWN: Object to the form.</p> <p>20 THE WITNESS: That's what she is</p> <p>21 claiming. That's what she notes, right.</p> <p>22 Q (By Mr. Lawson) This raised a concern with</p> <p>23 Ms. Meadows because the report contradicts this;</p> <p>24 right? I'm sorry.</p> <p>25 A It wasn't the inspector who made those</p>	<p style="text-align: right;">Page 197</p> <p>1 later said no damage, that would be concerning, but</p> <p>2 it wasn't the inspector who wrote those.</p> <p>3 Q (By Mr. Lawson) That's something you would</p> <p>4 want to confirm because you weren't at that initial</p> <p>5 inspection; correct?</p> <p>6 A Yes, sir.</p> <p>7 Q Did you ever talk to Mr. Leach about</p> <p>8 whether he marked -- made the 10-plus hits markings</p> <p>9 on the roof?</p> <p>10 MR. BROWN: Object to the form. I know</p> <p>11 we're asking a lot of questions about this. Let the</p> <p>12 witness look at the report and maybe we can clarify.</p> <p>13 MR. LAWSON: Sure.</p> <p>14 THE WITNESS: Okay. So it appears that</p> <p>15 Korbin's chalking would have been blue. I do see</p> <p>16 right here that he writes 10-by-10 on the roof.</p> <p>17 Q (By Mr. Lawson) What page are you looking</p> <p>18 at?</p> <p>19 A This is page 405. And then there is -- in</p> <p>20 that picture, there's an F equals 10. I can't make</p> <p>21 out the next symbol, but I would assume it says F</p> <p>22 equals 10-plus in white chalk. And there's also</p> <p>23 several circles in white chalk. So I would assume</p> <p>24 the white is from the roofing inspector, who was</p> <p>25 there present with Korbin.</p>

<p style="text-align: right;">Page 198</p> <p>1 Q But that's an assumption on your part?</p> <p>2 A That is going to be -- that is my</p> <p>3 assertion. Also, page 409, there are blue circles</p> <p>4 where Korbin has circled areas for consideration.</p> <p>5 It's a typical activity by these inspectors when the</p> <p>6 roofer is present there with them, the roofer wants</p> <p>7 them to circle certain items for us to consider. So</p> <p>8 the blue chalk is guaranteed to be Korbin's and the</p> <p>9 white appears to be what the roofer had marked</p> <p>10 previously. It also appears that he used the blue</p> <p>11 chalk to draw out a test square at the corner edges</p> <p>12 of the square and it's consistent with our 10-by-10</p> <p>13 on page 415. And that is a consistent marking on</p> <p>14 the roof by these roofing inspectors.</p> <p>15 Q What about page 426, the top photo?</p> <p>16 A Yeah. I was going to point that out. And</p> <p>17 then also, you can see a better shot of that on --</p> <p>18 Q 434?</p> <p>19 A Yes. Yep. There is a better shot. So</p> <p>20 that looks like it says back equals 10-plus and</p> <p>21 that's in blue, so.</p> <p>22 Q And you asserted that the blue chalk was</p> <p>23 from Mr. Leach; correct?</p> <p>24 A Yes, sir. So he would have written that on</p> <p>25 the roof.</p>	<p style="text-align: right;">Page 200</p> <p>1 the second inspection with Mr. Fouda, expresses some</p> <p>2 concern about that second inspection; correct?</p> <p>3 A She has concerns about him being present, I</p> <p>4 guess, yes.</p> <p>5 Q What's she's saying is it's clear Mr.</p> <p>6 Fouda was there to discount anything that may have</p> <p>7 been considered as hail damage; correct?</p> <p>8 A That's what she is claiming, yes.</p> <p>9 Q We talked about that earlier. You don't</p> <p>10 want to be disagreeing with a fellow claims adjuster</p> <p>11 in front of the insured or representatives; right?</p> <p>12 A I do believe we said that we don't have --</p> <p>13 allow a verbal disagreement. We could have</p> <p>14 definitely a conversation with regard to what we're</p> <p>15 seeing on the roof, but his presence made no</p> <p>16 difference in regard to my accurate assessment of</p> <p>17 that roof.</p> <p>18 Q Also, in that second paragraph she says</p> <p>19 "State Farm is imposing a company guideline of</p> <p>20 saying there needs to be mat fracturing or bruising</p> <p>21 present to deny the hail damage."</p> <p>22 Did I read that correctly?</p> <p>23 A Yes.</p> <p>24 Q And we've talked about that. That's your</p> <p>25 understanding of what hail damage is; correct?</p>
<p style="text-align: right;">Page 199</p> <p>1 Q So if he's saying back equals 10-plus, but</p> <p>2 his report says no hail damage, that's inconsistent</p> <p>3 -- an inconsistency between his photos and the</p> <p>4 report. Fair?</p> <p>5 MR. BROWN: Object to the form.</p> <p>6 THE WITNESS: My understanding is that</p> <p>7 he's saying back equals 10-plus circles for</p> <p>8 consideration, as he is not able to make a coverage</p> <p>9 decision on there. So he's documenting the number</p> <p>10 of blemishes that he sees.</p> <p>11 Q (By Mr. Lawson) Did you ever call Mr.</p> <p>12 Leach to clarify that?</p> <p>13 A I did not. I didn't speak to him.</p> <p>14 Q You didn't investigate that?</p> <p>15 MR. BROWN: Object to the form.</p> <p>16 THE WITNESS: I did not speak to him</p> <p>17 about it.</p> <p>18 Q (By Mr. Lawson) Ms. Meadows brought the</p> <p>19 potential for a discrepancy to your attention.</p> <p>20 Fair?</p> <p>21 MR. BROWN: Object to the form --</p> <p>22 Q (By Mr. Lawson) In this March 21st letter?</p> <p>23 A It does, yeah.</p> <p>24 Q Looking again at that March 21st letter,</p> <p>25 the second paragraph brings up a concern that during</p>	<p style="text-align: right;">Page 201</p> <p>1 MR. BROWN: Object to the form.</p> <p>2 THE WITNESS: Yes. According to the</p> <p>3 experts in Haag Engineering and according to science</p> <p>4 and review that a fractured shingle would compromise</p> <p>5 the water shedding ability. Shingles without</p> <p>6 granules, there's really no structural damage to</p> <p>7 that shingle itself.</p> <p>8 Q (By Mr. Lawson) And that's how State Farm</p> <p>9 has trained you to evaluate hail damage; correct?</p> <p>10 MR. BROWN: Object to the form.</p> <p>11 THE WITNESS: That's how I would say</p> <p>12 all insurance companies evaluate hail damage.</p> <p>13 Q (By Mr. Lawson) Have you received training</p> <p>14 from any insurance company other than State Farm?</p> <p>15 A No. I know for sure that's how State Farm</p> <p>16 instructs us, but Haag is an industry standard and</p> <p>17 that's how they tell anyone adjusting roof claims</p> <p>18 that that's what hail damage would be. So if</p> <p>19 they're using Haag standards, that's what Haag is</p> <p>20 saying is there has to be matting breakage.</p> <p>21 Q Okay. Are you required -- does State Farm</p> <p>22 require you to respond to all correspondence from a</p> <p>23 policyholder or one of their representatives?</p> <p>24 A Yes.</p> <p>25 Q How long should it take you to respond?</p>

<p style="text-align: right;">Page 206</p> <p>1 THE WITNESS: No. We provide a fair</p> <p>2 evaluation of their claim every time we do an</p> <p>3 inspection of their loss.</p> <p>4 Q (By Mr. Lawson) Do you agree with me that</p> <p>5 if this storm damaged the Bales' home during the</p> <p>6 policy period, no matter what happened in the past,</p> <p>7 it's covered?</p> <p>8 MR. BROWN: Object to the form.</p> <p>9 THE WITNESS: If the storm takes place</p> <p>10 during the policy period, we'll definitely come out</p> <p>11 and investigate the loss.</p> <p>12 Q (By Mr. Lawson) And if it's a covered</p> <p>13 cause of loss, it should be paid regardless of</p> <p>14 anything that might have happened in the past;</p> <p>15 correct?</p> <p>16 MR. BROWN: Object to the form.</p> <p>17 THE WITNESS: If it's a covered cause</p> <p>18 of loss and the inspection of the property reveals</p> <p>19 damage consistent with that, then we would pay for</p> <p>20 the roof.</p> <p>21 Q (By Mr. Lawson) The Bales should receive</p> <p>22 insurance benefits for that loss. Fair?</p> <p>23 A Correct. If I find damage consistent with</p> <p>24 that, with wind, damage consistent with hail, then</p> <p>25 they'll be paid for that.</p>	<p style="text-align: right;">Page 208</p> <p>1 compliance with State Farm's requirements?</p> <p>2 A I do.</p> <p>3 Q Have you understood all of the questions</p> <p>4 that I have asked today?</p> <p>5 A I have.</p> <p>6 Q Or asked me to rephrase?</p> <p>7 A I have.</p> <p>8 Q Have I been polite and professional to you?</p> <p>9 A You have.</p> <p>10 MR. LAWSON: I don't have any further</p> <p>11 questions. I'll pass the witness.</p> <p>12 MR. BROWN: I typically don't ask any</p> <p>13 questions, so I don't want to keep you any longer,</p> <p>14 but I do think we need some clarification.</p> <p>15 CROSS EXAMINATION</p> <p>16 BY MR. BROWN:</p> <p>17 Q If you'll go to Exhibit 4, Ladder Now. And</p> <p>18 there was a lot of talk about the color of chalk</p> <p>19 used. I mean, you weren't at the inspection. Fair</p> <p>20 enough?</p> <p>21 A Fair enough. Yes.</p> <p>22 Q You don't know who had color chalk or who</p> <p>23 didn't have color chalk or whatnot, but there are</p> <p>24 some markings on the roof. True?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 207</p> <p>1 Q Do you agree older roofs are more</p> <p>2 susceptible to wind and hail damage?</p> <p>3 MR. BROWN: Object to form.</p> <p>4 THE WITNESS: Yes. Older roofs, 15, 20</p> <p>5 years old would be. An 11-year-old roof in my mind</p> <p>6 is not classified as old, but I would say I would</p> <p>7 classify a roof 15, 20, 18 to 20 years old as an</p> <p>8 older roof.</p> <p>9 Q (By Mr. Lawson) Okay. Is there anything</p> <p>10 that you would change about how you handled the</p> <p>11 Bales' claim?</p> <p>12 MR. BROWN: Object to the form.</p> <p>13 THE WITNESS: I would have liked to</p> <p>14 have gotten the gutter linear footage correct on the</p> <p>15 original estimate and perhaps been involved with the</p> <p>16 additional emails from Meleah after the claim was</p> <p>17 moved back to in-office, but other than that, I</p> <p>18 believe I handled this fairly and appropriately.</p> <p>19 Q Do you stand by your position that none of</p> <p>20 the damage to the singles is hail damage?</p> <p>21 A Yes, sir.</p> <p>22 Q And you reached that determination based on</p> <p>23 your training and experience with State Farm?</p> <p>24 A Yes, sir.</p> <p>25 Q Do you believe you handled this claim in</p>	<p style="text-align: right;">Page 209</p> <p>1 Q If you'll look, start on page 427 with me,</p> <p>2 and then kind of going through the next couple of</p> <p>3 pages 428, 429, 430, 431, 432. And you'll see that</p> <p>4 there's markings on the roof in blue chalk.</p> <p>5 A Yes.</p> <p>6 Q Circular in nature on all of those pages;</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q And then these inspection images also have</p> <p>10 a description to the left of them, don't they?</p> <p>11 A Yes.</p> <p>12 Q What does that say?</p> <p>13 A PA contractor considerations.</p> <p>14 Q Does that lead you to believe that this is</p> <p>15 being marked as what the contractor is considering</p> <p>16 as hail damage?</p> <p>17 A Yes.</p> <p>18 Q And not Korbin?</p> <p>19 A Yeah. And sometimes actually those guys</p> <p>20 may hand the chalk to the roofer and say mark what</p> <p>21 you think, what you're seeing as hail and I'll</p> <p>22 document that for the adjuster.</p> <p>23 Q But nonetheless, the report that Korbin</p> <p>24 sent indicates there was no hail damage to the roof.</p> <p>25 Is that true?</p>